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December 30, 2016

**BY E.C.F.**

Honorable Steven L. Tiscione  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza  
Brooklyn, New York 11201

Re: Ebony Hugert-Smith v. City of New York  
16 Civ. 6393 (CBA) (SLT)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department, and the attorney assigned to the defense of the above-referenced matter. Defendant City of New York (hereinafter “defendant City”) writes to respectfully request a sixty (60) enlargement of time, from December 30, 2016 until February 28, 2017, to answer or otherwise respond to the Complaint. This is defendant City’s first request for an enlargement. Plaintiff’s counsel, Patrick K. Foster, Esq., consents to this request.

Plaintiff’s alleges that on August 19, 2015 she encountered Officer Thomas Walsh and Officer “John Doe” in the process of a stop of a young man with whom she was acquainted in the John F. Kennedy Airport train station. Plaintiff alleges that Officer Walsh, ordered her to leave station or she would be arrested. When she did not exit, she was arrested and pled guilty to disorderly conduct at arraignment.

There are several reasons for seeking an enlargement of time in this matter. First, in accordance with this Office’s obligations under Rule 11, we need time to investigate the allegations in the complaint. In addition, plaintiff alleges that she was physically injured as result of her encounter with Officer Walsh. This Office needs HIPPA compliant medical releases to access plaintiff’s medical records to assess plaintiff’s claims and adequately respond to the complaint.

In light of the above, defendant City respectfully requests that its time to respond to the Complaint be extended for sixty (60) days, until February 28, 2017. Defendant City thanks the Court for its consideration of this request.

Respectfully submitted,



Pernell M. Telfort  
Assistant Corporation Counsel  
Special Federal Litigation Division

cc: Patrick K. Foster, Esq. (By ECF)  
*Plaintiff's Counsel*